

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:06-CR-274-1-F

UNITED STATES OF AMERICA,

v.

RONNIE ALLEN SMILING,  
Defendant.


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ORDER

The United States Attorney is DIRECTED to file a response to the defendant's Memorandum in Support of Motion for Reduction of Sentence under 18 U.S.C. § 3582(c)(2) [DE-30] on or before **January 17, 2012**. In doing so, the United States Attorney is DIRECTED *specifically* to state and explain its position as to the defendant's individualized argument that he should be afforded the benefit of his substantial assistance to the Government, notwithstanding the mandatory minimum sentence that had been applicable to his offense of conviction before the court allowed the Government's motion for downward departure [DE-18] pursuant to advisory U.S.S.G. § 5K1.1 *and* 18 U.S.C. § 3553(e), and in light of the terms of advisory U.S.S.G. § 1B1.10(a)(2)(B), and Application Note 3 of Commentary thereto.

SO ORDERED.

This the 22nd day of December, 2011.

  
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JAMES C. FOX  
Senior United States District Judge